

Issued April 7, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 245, FOOD AND DRUGS ACT.

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### ADULTERATION AND MISBRANDING OF DAMIANA GIN.

On or about November 5, 1908, Henry F. Kaufman shipped from New York City to Baltimore, Md., a quantity of an article labeled "Damiana Gin. A Compound." A sample from the above shipment was procured and analyzed in the Bureau of Chemistry, United States Department of Agriculture. As the finding of the analyst and report made indicated that the article was adulterated and misbranded within the meaning of the Food and Drugs Act, said Henry F. Kaufman, and the party from whom the sample was procured, were afforded opportunities for hearings, and as it appeared after the hearings held that the aforesaid article was shipped in violation of the act, the Secretary of Agriculture reported the fact to the Attorney General, together with a statement of the evidence upon which to base a prosecution.

In due course, a criminal information was filed against the said Henry F. Kaufman in the Circuit Court of the United States for the Southern District of New York.

On January 11, 1910, the defendant pleaded guilty to the charges in said information, that said article was adulterated because it contained added poisonous ingredients—strychnine, brucine, and salicylic acid—which might render it injurious to health; and misbranded because the label thereon bore false and misleading devices indicating that one of the ingredients contained in said article was a substance possessing aphrodisiac qualities, whereas such was not the fact, and because the label thereon represented that damiana was present in said article in a substantial amount, whereas damiana was present in an insignificant amount, and because said label indicated that the article was a gin, whereas it was not a gin. The court imposed upon the defendant a fine of \$100.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *February 28, 1910.*

